

REMARKS

The application was filed on 30 March 2001 with twelve claims. The Examiner examined the application and on 24 March 2005 issued a first Action. In the Examiner's Action, the Examiner rejected claims 5, 6, 8, 9, and 12 under 35 U.S.C. §112, second paragraph. The Examiner also rejected claims 1 and 4 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,765,138 entitled APPARATUS AND METHOD FOR PROVIDING INTERACTIVE EVALUATION OF POTENTIAL VENDORS to Aycock et al. (Aycock '138), claims 2, 3, 7-11 under 35 U.S.C. §103(a) as being unpatentable over Aycock '138; and claims 5, 6 and 12 under 35 U.S.C. §103(a) over Aycock '138 in view of U.S. Patent No. 5,627,973 entitled METHOD AND APPARATUS FOR FACILITATING EVALUATION OF BUSINESS OPPORTUNITIES FOR SUPPLYING GOODS AND/OR SERVICES TO POTENTIAL CUSTOMERS to Armstrong (Armstrong '973).

Applicants respond. Applicants amend the claims, cancel claims 10-12 and add new claims 13-20. In adding new claims Applicants have not added new matter. Support in the originally filed specification for new claim 13 is given in Figure 3 and 5. Support in the originally filed specification for new claims 14 - 18 is given on page 12, lines 12-15. Support for new claim 19 is given in the originally filed specification on page 10, lines 22-23. Support for new claim 20 is given in the originally filed specification in Figure 2.

Claims 1-9, 13-20 are pending.

*The Rejection of claims 5-6, 8-9 and 12 under 35 U.S.C. §112, second paragraph*

The Examiner rejected claims 5 and 9 because the relative terms "generic matrix" in claim 5 and the "detailed matrix" of claims 5 and 9 are indefinite. In response, Applicants have amended claims describing a generic or simple matrix as having twenty or fewer attributes, and a detailed matrix as having more than twenty attributes.

In amending the claims, Applicants have not added new matter. Support in the originally filed specification is given in Figure 3 and on page 9, line 19 which describes “Fig. 3 [as] a simple matrix ....” and again on page 10, lines 15-16 which states, “The number of key attributes in a matrix of the type used in an assessment using the system of Fig. 3 may have been ten and twenty attributes, although a lesser number or a greater number could be used to advantage.”

Respectfully, Applicants appreciate the Examiner’s rejection and have now amended the claims pertaining to generic or simple matrices as having twenty or less attributes, and detailed matrices as having more than twenty attributes. Applicants request the Examiner withdraw the rejection based on 35 U.S.C. §112, second paragraph.

The Examiner rejected claims 6 and 12 because the relative terms “simple” in claim 6 and “detailed “ of claims 6, 8, and 12 pertaining to questions are indefinite. In response, Applicants have removed any reference to simple questions in the claims. Applicants have further amended the claims describing detailed questions as having a focus area, having description and considerations, and examples.

In amending the claims, Applicants have not added new matter. The originally filed specification on page 10, line 20-21 states that “Fig. 4 illustrates a sample set of detailed assessment questions to provide a more detailed insight .... “ Thus Fig. 4 is an example of detailed questions. Figure 4 provides a focus area , a set of descriptions and considerations, and an example for each IT service attribute. Thus, detailed questions have a focus area, a set of descriptions and considerations, and an example for each IT service attribute.

Respectfully, Applicants appreciate the Examiner’s rejection and have now amended the claims pertaining to simple and detailed questions. Applicants request the Examiner withdraw the rejection based on 35 U.S.C. §112, second paragraph.

The Examiner rejected claim 9 as being indefinite because it is not clear what is meant by using detailed matrices in a workshop approach. Applicants respectfully traverse in view of the amendment whereby a detailed matrix is one that has more than twenty IT service attributes. Applicants further maintain one of skill in the art knows what a “workshop” is. *See also*, Webster's Third New International Dictionary, Unabridged. Merriam-Webster, 2002. <http://unabridged.merriam-webster.com> (24 Jun. 2005). “workshop · 2 a : a course or seminar emphasizing free discussion, exchange of ideas, demonstration of methods, and practical application of skills and principles given mainly for adults already employed in the field especially of the social sciences and the practical and fine arts <summer workshop in short-story writing> <choreographers' workshop> .”

Applicants respectfully request the Examiner to withdraw the rejection of claim 9 under 35 U.S.C. §112, second paragraph.

*The Rejection of claims 1 and 4 under 35 U.S.C. §102(b) by Aycock '138*

The Examiner rejected claims 1 and 4 as being anticipated by Aycock '138. Aycock '138 provides an arrangement of an interactive evaluation of suppliers as proposed vendors for a project. In view of the amendments to claim 1, Applicants respectfully asserts that Aycock '138 cannot anticipate Applicants' claimed invention because first: Aycock '138 is evaluating proposed vendors for a project; and second: Aycock '138 does not teach or disclose evaluating IT services.

With respect to the first distinction, Applicants maintain that assessing information technology services provided to customers, as set forth in the preamble of claim 1, is not the same as evaluating proposed vendors. Aycock' 138 is evaluating the possibility of a business relationship whereas Applicants are evaluating an existing business relationship. With respect to the second distinction, Aycock '138 does not evaluate IT services, rather Aycock '138 addresses the suppliers of goods, rather than services.

Respectfully, with the amendments, Applicants request the Examiner to withdraw the rejection of claims 1 and 4 under 35 U.S.C. §102(b) under Aycock '138.

*The Rejection of claims 1, 3, and 7-11 under 35 U.S.C. §103(a) over Aycock '138*

The Examiner rejected claims 1-7 and 10-16 under 35 U.S.C. §103(a) as being unpatentable over Aycock '138. The Examiner asserts that Aycock '138 teaches numerical weighting/rating factors with corresponding descriptions of each number. The Examiner admits that Aycock does not teach a matrix for analyzing the service as delivered to the customer against different levels of customer satisfaction. The Examiner continually asserts that the use of a chart or matrix to organize data to convey information is old and well known.

Applicants have amended the claims and now assert that the use of two assessment tools: a matrix and questions to evaluate existing IT services, as claimed, is not suggested by Aycock '138. Determining the number of IT service attributes of the matrix and deciding whether the questions should have a focus area, descriptions, and considerations, and examples is not suggested by Aycock '138. If the Examiner maintains that the use of these two assessment tools to evaluate IT services as claimed herein is old and well known, Applicants respectfully request the Examiner to provide a reference. As discussed above, moreover, Aycock '138 discloses a method to evaluate proposed vendors, not existing services. Thus, Applicants respectfully request the Examiner to withdraw the rejection of the claims under 35 U.S.C. §103(a) over Aycock '138.

*The Rejection of claims 5, 6, and 12 under 35 U.S.C. §103(a) over Aycock '138 in view of Armstrong '972*

The Examiner has rejected claims 5, 6, and 12 under 35 U.S.C. §103(a) over Aycock '138 in view of Armstrong '972. The Examiner asserts that Aycock '138 teaches numerical weighting/rating factors with a corresponding description of each number. Armstrong '972 further teaches different sets of questions requiring

different types of answering methods. The Examiner further admits that neither Aycock '138 nor Armstrong '972 teach the use of matrices for analyzing the service as delivered to the customer against different levels of customer satisfaction, but that the use of a chart or matrix to organize data is old and well known. Thus, the Examiner reasons that it would be obvious to one of ordinary skill in the art to use more than one set of questions with different answers and then rank them into a matrix form to organize data.

Applicants respectfully disagree and assert that the Examiner has simplified the claimed invention and that the claims as amended are not obvious in view of Aycock '138 nor Armstrong '972. Applicants now claim a systematic method using two assessment tools: a matrix and questions. Neither Aycock '138 nor Armstrong '972 suggest that attributes of IT services should be evaluated. Neither Aycock '138 nor Armstrong '972 suggest the use of matrices wherein the key attributes of the IT services are entries into the matrix. Neither Aycock '138 nor Armstrong '972 suggest that existing IT services can be evaluating by further considering each key attribute to have a myriad of focus areas and then generating detailed questions, descriptions, considerations, and examples for each focus area. Neither Aycock '138 nor Armstrong '972 suggests the use of a simple matrix having less than twenty attributes can provide an assessment of IT services that is quick and general, or of medium depth. Neither Aycock '138 nor Armstrong '972 suggest that detailed questions yield the best results for IT service assessment in an interview, whereas a detailed matrix of more than twenty IT service attributes yields the best results to assess the IT service in a workshop environment.

Because neither reference teaches the claimed elements above, their combination cannot teach them. Respectfully, Applicants request the Examiner to withdraw the rejection of the claims under 35 U.S.C. §103(a) over Aycock '138 in view of Armstrong '972.

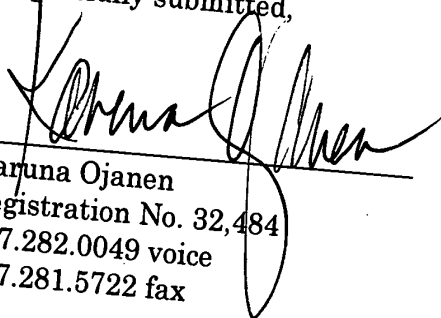
Conclusion

Having thus amended the claims by providing limitations of a detailed matrix and of detailed questions, Applicants maintain that they have removed the problems with the claims under 35 U.S.C. §112, second paragraph. Applicants further maintain that Aycock '138 does not teach nor suggest, nor can be easily modified, nor combined with Armstrong '972 to teach the use of two assessment tools, one being a matrix of IT service attributes and the other assessment tool being questions directed to particular focus areas of each service attribute, yields the best way to evaluate already existing IT services.

Attorney for Applicants thank the Examiner for her careful review of the specification, the figures, and the claims. Having reviewed the art submitted by the Examiner, Attorney for Applicants requests the Examiner to allow all claims. The Examiner is further invited to telephone the Attorney listed below if she thinks it would expedite the prosecution and the issuance of the patent.

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